OIPE IAP30
SEP 08 2008
PATENT & TRADEMARK OFFICE

8/30/08

In the United States Patent and Trademark Office

Appn. Filed: 12/05/2001
Appn. #: 10/679,305
Applicant: Elizabeth Gay Frayne
Title: "Manipulation of RNA Stability and Protein Synthesis Using Thio-phosphate"
Examiner: Nancy T. Vogel
Art Unit:1636

Assistant Commissioner for Patents
Arlington, Virginia, 22313

RE: Response to Advisory Action Dated 8/15/08 and Non-compliant Notice

Sir,

An amendment was filed June 2, 2008 which failed to place application in condition for allowance. Below are additional arguments for the examiner to consider. I have also modified the claims to hopefully make them in compliance.

I wish to request an extension of time for two months for the delay this has caused. Enclosed are forms for an extension of time and as well as a transmittal form.

Regarding Claim 9 USC 112 – New matter

The examiner specifically states that she can not find Figure 3 and there is no disclosure of thio-phosphate treatment of gold fish. Figure 3 is in the parent application which is now issued or US Patent 7,125,982 (see attachment as photo in patent did not reproduce). However, in the original parent application a figure of the goldfish data was not actually shown. Even so the information was provided in the original specification under the section Example II, Method of stabilizing RNA or DNA in vivo and in vitro as follows: